IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

OP.No. 29230 of 2001(D)

PETITIONER:

C.B. GOVINDANKUTTY, MADHAVAMANDIRAM, P.O. AROOKUTTY, CHERTHALA.

BY ADV. SRI.ABRAHAM VAKKANAL

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR, (REVENUE RECOVERY), CHERTHALA.

2. THE SECRETARY, DISTRICT PANCHAYAT OFFICE, AYYANTHOLE, TRICHUR.

R2 BY ADV. SRI.V.BINOY RAM
SRI.GREENY
R1 BY GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 47530 OF 2001 IN OP 29230 OF 2001

DISMISSED

3.12.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE RELEVANT PAGES OF THE AGREEMENT DATED 15.4.1996 BETWEEN THE PETITIONER AND THE A.E.E. PWD ROADS SUB DIVISION, KODUNGALLUR./

EXT.P2 TRUE COPY OF RECEIPT DATED 22.10.1997 EVIDENCING THE PAYMENT OF INSTALMENT.

EXT.P3 TRUE COPY OF RECEIPT DATED 16.12.97 OF DO.DO.

EXT.P4 TRUE COPY OF RECEIPT DATED 4.8.1998 OF DO.DO.

EXT.P5 TRUE COPY OF PETITION DATED 14.3.1999 FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P6 TRUE COPY OF DEMAND NOTICE DATED 12.9.2001 TO THE PETITIONER.

EXT.P7 TRUE COPY OF PETITION DATED 22.9.2001 FROM THE PETITIONER TO THE RESPONDENTS.

2ND RESPONDENT'S EXHIBITS:

EXT.R2(a) TRUE COPY OF AGREEMENT EXECUTED BY THE PETITIONER DATED 15.4.1996

EXT.R2(b) TRUE COPY OF STATEMENT OF ACCOUNTS SHOWING THE DETAILS OF PAYMENTS.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

O.P. NO. 29230 OF 2001

Dated this the 3rd day of December, 2007

JUDGMENT

Petitioner was given the right to operate ferry service by the second respondent during 1996-1999. However, petitioner has committed default in payment of licence fee. Consequently, demand is raised for the balance amount with interest. Counsel for the second respondent submitted that petitioner after expiry of the period dismantled the installations. Since liability is admitted, recovery is rightly initiated against the petitioner for recovery of arrears with interest. O.P. is devoid of any merit and is dismissed.

(C.N. RAMACHANDRAN NAIR)
Judge